

RENEWED PETITION UNDER CFR 1.137A

At the time we received the "Notice to File Corrected Application Papers", I was hospitalized with a severe infection at the base of my spine. When it collapsed, the nerves from my waist down were pinned and I had no feeling below the waist. I spent a total of nine days there, then was transferred to L.S.U. Medical School in New Orleans for an examination. They diagnosed that I needed immediate surgery to drain the infection, cut out all the dead bone at the L-4 L-5 level plus the disk between them was dead. I underwent the surgery which involved cutting out 35% of two vertebrae, the disk between them plus take a piece of bone from my hip and splice it into the spine. I was put in a body cast and was unable to get out of bed for thirty days. I was rushed back to surgery during the time frame that the U.S.P.T.O. asked for corrected forms. I remained hospitalized for 39 days.

My two partners got together and rewrote spec's and drawings, put it into a "Power Point" presentation, enclosed all corrected papers and then placed the items in a powder blue three ring binder, brought it to me to sign and then my wife mailed it the next day. With all that was going on she neglected to get a receipt for this mailing. Then a couple months go by and I get a call from Doisey Day inquiring about where the paperwork is. I explained to her exactly what I wrote in the above lines.

We all got back together at my house, redid the paperwork and sent that in. Also, my wife compiled all my medical records (bills, charges and dates of confinement). This was sent with delivery confirmation. Marianne Morgan (703) 306-3475 called to let me know she had the medical records. What she did with them I don't know but she was instructed to include them with our renewed petition. That petition was dismissed for not filing a renewal petition with the medical records. When I talked with her she still had the medical records and I asked her to send them back which she did. If they would be of any help, I'll be glad to resend the files. The file is about 2 ½" thick.

In my last petition for a patent (09/661,361) I included pictures of myself during the time frame in question. That was sent and received by the U.S.P.T.O. on January 13, 2005. When I didn't hear back from your office in over six months I called Marianne and she researched to see what the status of my

petition was in. She discovered that there was a "clerical mistake" and it was misfiled. I didn't receive an answer to the Jan. 13, 2005 letter until DEC. 2, 2005. Almost eleven months because of a "clerical error!"

I pray the U.S.P.T.O. will grant my latest, renewed request for a patent with this explanation, under 37 CFR 1.137(a) 3, as the delay, if any, was 100% UNAVOIDABLE. Errors were committed by both parties. My wife was more concerned with my health because at the time (I was not told) the doctors weren't sure if I'd survive because the infection had spread throughout my entire body and all my internal organs were infected. The doctors explained it simply "Wherever you have blood, you've got infection". They didn't know if one, two or more of my organs would shut down and I wouldn't survive. There HAS NEVER BEEN an intentional motive on our part to not produce corrected forms. We're 100% sure paperwork WAS mailed and either lost or "misfiled".

If there are any forms, fees or other paperwork to correct ANY and ALL problems with my application, PLEASE contact me at (225) 262-0561 or dennismdearie@cox.net and we'll make every effort to correct them in the shortest frame of time.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis M. Dearie", is written over a horizontal line.

Dennis M. Dearie

DBA: DesignScan, Inc.